

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

MICHAEL MANGRUM and
DANIELA MANGRUM,

Plaintiff,

v.

PRIMARY FINANCIAL SERVICES, LLC,

Defendant.

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No.

PLAINTIFF'S COMPLAINT AND DEMAND FOR JURY TRIAL

MICHAEL MANGRUM (individually referred to as "Michael") and DANIELA MANGRUM (individually referred to as "Daniela") (collectively referred to as "Plaintiffs"), through their attorneys, KROHN & MOSS, LTD., allege the following against PRIMARY FINANCIAL SERVICES, LLC, (Defendant):

INTRODUCTION

1. Plaintiffs' Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).
2. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

JURISDICTION AND VENUE

3. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."

4. Defendant conducts business in the state of Texas, and therefore, personal jurisdiction is established.
5. Venue is proper pursuant to 28 *U.S.C. 1391(b)(2)*.

PARTIES

6. Plaintiffs are natural persons residing in Katy, Harris County, Texas.
7. Plaintiffs are consumers as that term is defined by 15 *U.S.C. 1692a(3)*, and according to Defendant, Plaintiffs allegedly owe a debt as that term is defined by 15 *U.S.C. 1692a(5)*.
8. Defendant is a debt collector as that term is defined by 15 *U.S.C. 1692a(6)*, and sought to collect a consumer debt from Plaintiff.
9. Defendant is a national debt collection company and conducts business in Texas.

FACTUAL ALLEGATIONS

10. Defendant is collecting from Plaintiffs on a personal line of credit owed to Wells Fargo.
11. In or around August of 2010, Defendant started placing collection calls to Plaintiffs nearly every day and up to twice per day.
12. On or about November 1, 2010, Defendant's representative told Plaintiffs that they "better get a lawyer."
13. On or about November 1, 2010, Plaintiffs placed a call to Defendant and Defendant hung up the phone on Plaintiffs after this request.
14. On or about November 1, 2010, Defendant's representative called Plaintiff back and informed Plaintiffs that it was the CEO and asked them about their assets.
15. On at least three occasions since August 2010 when Defendant began placing collection calls, Plaintiffs told Defendant to stop calling and to only contact them by mail.
16. Despite Plaintiffs' request, Defendant continued to place calls and continues to do so.

COUNT I

DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

17. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse the Plaintiffs in connection with the collection of a debt.
- b. Defendant violated §1692d(5) of the FDCPA when Defendant caused Plaintiffs' telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiffs.
- c. Defendant violated §1692e of the FDCPA by using false, deceptive or misleading representation or means in connection with the collection of the debt.
- d. Defendant violated §1692e(5) of the FDCPA by threatening to take any action that cannot be taken or that is not intended to be taken when it told Plaintiffs that they "better get a lawyer."

WHEREFORE, Plaintiffs, MICHAEL MANGRUM and DANIELA MANGRUM, respectfully request judgment be entered against Defendant, PRIMARY FINANCIAL SERVICES, LLC, for the following:

18. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k,
19. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k , and
20. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

Dated: December 3, 2010

By: /s/Michael Agruss,
Michael Agruss Esq.
CA SBN: 259567
Attorney for Plaintiffs
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DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiffs, MICHAEL MANGRUM and DANIELA MANGRUM, demand a jury trial in this case.

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF TEXAS

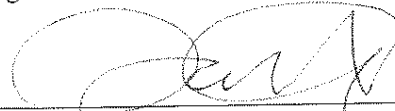
Plaintiff, DANIELA MANGRUM, states the following:

8. I am the Plaintiff in this civil proceeding.
9. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
10. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
11. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
12. I have filed this Complaint in good faith and solely for the purposes set forth in it.
13. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
14. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, DANIELA MANGRUM, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

12/1/2010

Date



DANIELA MANGRUM

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF TEXAS

Plaintiff, MICHAEL MANGRUM, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, MICHAEL MANGRUM, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

12 / 1 / 2010

Date


MICHAEL MANGRUM